

SO ORDERED.

SIGNED this 25 day of April, 2017.




Joseph N. Callaway
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
GREENVILLE DIVISION**

IN RE:

CASE NO.

**CHEYENNE D. HOLMES
BRITTANY A. HOLMES**

**17-01471-5-JNC
CHAPTER 13**

DEBTORS

ORDER ALLOWING MOTION TO EXTEND STAY

Pending before the court is the debtors' motion, pursuant to 11 U.S.C. § 362(c)(3)(B), for a continuation of the automatic stay as to all creditors. The debtors represented that all interested parties were served with the motion and the notice of motion. Pursuant to E.D.N.C. LBR 4001-1(d), the debtors filed a verification of the facts contained in the motion. Vanderbilt Mortgage and Finance, Inc. ("Vanderbilt") filed an objection to the motion, which has been resolved by a separate consent order. Based upon the verified motion and in the absence of a response from any creditor other than Vanderbilt, the court will allow the motion as to all other creditors without a hearing.

Cheyenne D. Holmes and Brittany A. Holmes filed a petition for relief under chapter 13 of the Bankruptcy Code on March 28, 2017. A prior case of the debtors was pending within the preceding one-year period but was dismissed on November 10, 2016. The debtors' current filing is subject to the presumption that it was not filed in good faith as provided in 11 U.S.C. § 362(c)(3)(C), but the debtors have demonstrated that the filing of the later case is in good faith as to the creditors to be stayed, and have provided clear and convincing evidence sufficient to rebut the presumption that the case was not filed in good faith. No response to the debtors' motion has been filed by any creditor other than Vanderbilt, and the motion therefore is uncontroverted as to those creditors.

Accordingly, and pursuant to 11 U.S.C. § 362(c)(3)(B), the stay contained in 11 U.S.C. § 362(a) shall continue in effect throughout the pendency of the debtors' chapter 13 case as to all

creditors, with the exception of Vanderbilt, unless otherwise ordered or terminated by operation of a separate statutory provision (e.g., § 362(h)). The terms of the extension of the automatic stay with respect to Vanderbilt are set forth in a separate order.

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